

Case No OMB-26-7135

5 June 2026

The Permanent Secretary
Ministry for Foreign Affairs
7 St Paul's Street
Valletta

Dear Sir

I refer to your letter dated 23 April 2026.

While the Ministry states that it has no executive power to permit or deny entry into Malta, this does not fully address the substance of the complaint. The issue is not solely whether the Ministry itself controls border entry, but whether it fulfilled its broader obligations to provide clear, consistent, and effective assistance to a Maltese national seeking to return. If conflicting guidance was given by different State entities, the burden should not fall on the complainant - still less on a minor and her parent - to bear the financial and practical consequences of that inconsistency.

Moreover, relying on a narrow interpretation of institutional competence risks overlooking the State's overarching duty to ensure that constitutional rights are meaningful in practice, not merely acknowledged in theory. Even if the Ministry was not the final authority on entry, it remained responsible for coordinating properly with the relevant bodies and for ensuring that its communications did not contribute to confusion or unnecessary expense. In these circumstances, the Ministry cannot simply distance itself from responsibility by pointing to the formal limits of its authority.

It is a fact that the father withheld the required consent in an unreasonable manner, notwithstanding repeated efforts by this Office and Identità officials to secure his cooperation. This Office cannot and will not depart from established judicial practice, which unequivocally requires the consent of both parents where applicable. Your assertions regarding child abduction are entirely misplaced and without merit in the present circumstances, given that both the mother and the child consistently and unequivocally expressed their intention to travel to Malta to join the father, and not to any other destination.

Furthermore, a viable and lawful solution was proposed by the Immigration Police, in line with long-standing and consistent police practice, and firmly aligned with the objective of facilitating the return of Maltese nationals to Malta. There is no justification for disregarding this approach.

In light of the foregoing, I find no valid or defensible grounds to revise or depart from the recommendation. You are hereby required to inform me, by no later than 30 June 2026, of the concrete steps you will take to ensure its implementation.

If the recommendation remains unimplemented by the 30 June 2026 then the right is reserved for further action in terms of Article 22(4) of Chap 385.

Yours truly

Judge Joseph Zammit McKeon
Ombudsman